

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10676 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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GOHIL U NARSINBHAI

Versus

STATE OF GUJARAT

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Appearance:

MR GI DESAI for Petitioner

Ms. Binoda Gajjar A.G.P. for Respondent No. 1

MR DA BAMBHANIA for Respondent No. 2, 3

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CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 25/04/96

ORAL JUDGEMENT

Gohil Ukelbhai Narsinhbhai has filed the present writ petition. It is his case that he was interviewed on 10.2.86 and in the said interview he was selected and he was asked to resume duties by an order dated 8.1.87 and subsequently by an order dated 5.5.87 he was directed to

resume his duties as Steno-Instructor on 11.5.87 in the pay scale of Rs.475-20-675-25-800. His further case is that he is continuously working since 11.5.90 but on 25.10.90 the respondents have passed an illegal order of his termination. The petitioner had challenged the said order of termination by filing writ petition in this Court being writ petition no. 4297/90, which was allowed by this court on 3.2.93 hence his services were continued. It is his case that though he is continuously working, the respondents have not issued orders for granting increments in his favour. He also had made representations to his superiors to grant increments in his favour, but the same were not at all considered and no reply has been given to his representations. Hence, he has come before this court to issue a direction to the respondents to release the increments in his favour.

2. At the time of hearing of this petition, learned A.G.P. Ms. Binoda Gajjar submitted that if the petitioner happens to make a detailed representation as to on what dates the increments have become due and what is the amount due etc. then the respondent authorities would definitely consider the same and would take necessary action on his representation. The learned advocate for the petitioner submitted that the respondents should be bound over for deciding his representation and he may be given liberty to file fresh petition, if his representation is rejected.

3. In view of the statements made by the learned advocates of both the sides, I hereby order that the petitioner should make a detailed representation to his immediate superior within one week mentioning therein, the dates on which his increments have become due as per his claim along with the amount of increment. Said representation given by him should be considered and finally decided by the respondent authorities within four weeks from the date of receipt of the said representation. The learned advocate for the petitioner should also supply a copy of the said representation to the learned advocate for the respondents in order to have an early decision on his representation. In case, if the claim of the petitioner happens to be either rejected or not considered, then he is at liberty to file a fresh petition. The petition is accordingly disposed of. Rule is made absolute in the aforesaid terms. No order as to costs.

D.S. permitted.

